

## **Annex 5: Minutes on discussion on establishment of SAARC Forum of EMBs, its draft charter and adoption of resolution by the conference**

Mr. Ishtiaq Ahmed Khan, Secretary Election Commission of Pakistan circulated among the participants the revised draft Charter for the establishment of SAARC Forum of EMBs and informed that the revised draft Charter has been presented for signing after receiving comments of the Election Commissions of Bangladesh, India and Nepal. He stated that the Charter will be adopted if the draft document was approved by all the delegates. He said that the comments have led to two drafts - one from Bangladesh and the other by India with the difference that India has proposed establishment of a Secretary of the Council and a permanent Secretariat.

Mr. Ghulam Dastgir, Director SAARC Secretariat termed the conference as productive in terms of capacity building and sharing experiences. He said that procedurally the draft Charter has been followed up correctly. The first draft was presented at the SAARC EMBs Conference at Dhaka in May 2010 and was sent to all member States for comments. Sometimes all countries do not send comments which means they agree to the draft. In the context of the Indian proposal to establish a permanent Secretariat for the Forum, he said SAARC Speakers Forum does not have a permanent Secretariat, adding that the Parliament Secretariat of the host country of the conference acts as the Secretariat as this event is held on annual or biennial basis. Permanent Secretariat entails permanent staff that involved huge administrative cost. SAARC Director, however, said that the suggestion could be considered if all countries agreed.

Commenting on the text of the draft, he said that it was in order as it contained nothing that could be objected. It follows the principle of consensus as it maintains that the members would not discuss contentious issues. If all representatives present express their agreement to the proposed Forum, the draft will be presented to the SAARC Summit in Male in November 2011 through the Standing Committee. If it is endorsed by the Heads of State/Government it will lead to the creation of a SAARC Forum of Electoral Management Bodies. Mr. Dastgir said that the Charter can be signed by the participants of the conference and a resolution could be adopted declaring that all members have agreed to set up this Forum. The minutes can then be sent to the SAARC Secretariat. Referring to the keynote speech of Justice Mirza in which he proposed that as a first step the members may discuss and decide in principle on the establishment of the proposed SAARC Forum in the light of the feedback and pass the resolution if the decision is in affirmative, Director of the SAARC Secretariat suggested to pass the Resolution along with the decision to discuss the Charter in next meeting.

The delegate of Sri Lanka said that they understood that there was one draft as Sri Lanka had agreed to Bangladesh's comment that there was no need for a permanent Secretariat. He proposed that they should sign the Resolution now and take up the issue of Charter in

the next meeting. He suggested that Pakistan take up the Resolution with SAARC Secretariat.

Clarifying position on sending comments on the Charter, the representative of Bhutan said that on receipt of comments from Election Commissions of Bangladesh and India, Bhutan had endorsed the Indian suggestion.

Indian delegate said that at such forums a resolution is deferred if even one member state disagreed. Since Maldives has yet to adopt it in their Commission, it may not be possible to proceed in the matter. However, suggesting a via media solution, he said that since all members agreed in principle to the establishment of the Forum, the meeting may pass the resolution as proposed by Justice Mirza and the draft could be adopted by circulation among member States within a month.

Sri Lankan delegate said that his understanding was that the meeting was passing the Resolution without signing it. The Resolution would be declared to the media and there would be no change in the document that would be passed now. It would be circulated to get the consensus of the Election Commissions of the member States which have yet to formally endorse it. In response, Indian delegate said that the understanding of Sri Lanka was correct, adding that the representatives present could adopt the Resolution that would be given to the media, while actual adoption could be worked in three to four weeks later.

The following text of the Resolution was presented for discussion:

"Pakistan, India, Nepal, Bangladesh, Bhutan and delegates representing the heads of Election Management Body of Maldives and Sri Lanka hereby resolve and recommend as under:

1. That a permanent forum of Election Management Body of SAARC Countries be established to foster cooperation amongst them and sharing of Electoral Experiences with a view to serving democratic process in the region in a better way by conducting free, fair and impartial Elections.
2. The draft charter for the proposed forum may be discussed finalized and approved by the heads of all Election Management Bodies of the region.
3. That to achieve the objective of the setting up of the Forum, the charter once approved by heads of Election Management Bodies may be referred to the Secretary General SAARC Secretariat at Kathmandu, Nepal for approval by SAARC Summit as per procedure.

Bangladesh delegate suggested that the meeting may adopt sub-para (1) even if Maldives and Sri Lanka have yet to respond. He suggested that if they decide to establish the Forum, the decision may be conveyed to the Ministry of Foreign Affairs of Pakistan for transmission to the SAARC Secretary-General for taking further action.

Pakistan delegate stated that the delegates present may adopt the Resolution in the modified form, saying the draft Charter was floated two years back in Dhaka and all members have been deliberating on it since then. He said that there was no disagreement on the contents of the Charter except some procedural hitches as some member States have

to get formal approval by their respective Commissions. He suggested that while the delegates may adopt the Resolution they may also adopt the draft Charter in principle subject to formal approval of Election Commissions of member countries. After Pakistan receives approval in four weeks, it will send the draft Charter to the SAARC Secretariat.

Director SAARC said that the delegates would adopt the Resolution for draft Charter and in four weeks ECP will receive the comments and revise the draft if so required by member states. The revised draft will then be sent to SAARC Secretariat which will circulate it to all member States as SAARC Summit document. After it is endorsed by the Summit, it will be considered as finally approved. Later, only the formality of signature will be required that could be done perhaps in the next Forum.

In the light of the discussion, the draft Resolution was passed by the delegates as follows: "The Conference resolved with consensus that a permanent Forum of the Heads of Election Management Bodies (EMBs) of the SAARC Member States may be established to foster cooperation and sharing electoral experiences. The Conference also approved that a Charter shall be adopted by the Forum and the draft Charter will be circulated among the Member States for their acceptance. After receiving inputs from the Member States, the Election Commission of Pakistan will, within one month, forward it to the Secretary General, SAARC Secretariat, Kathmandu, Nepal for approval by SAARC Summit as per procedure."